

Article - Public Safety

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§6–316.

(a) The State Fire Marshal, a designee of the State Fire Marshal, or a full-time fire prevention inspector who is employed by a fire department may apply to a judge of the District Court or a circuit court for an administrative search warrant to enter a building or premises to conduct a fire prevention inspection.

(b) An application under subsection (a) of this section shall:

(1) be in writing;

(2) be signed and sworn to by the applicant; and

(3) particularly describe the building or premises to be searched and the nature, scope, and purpose of the search to be performed by the applicant.

(c) A judge of the District Court or a circuit court may issue the warrant on finding that:

(1) the applicant is authorized or required by law to make the inspection;

(2) the applicant has demonstrated that the inspection of the premises is sought as a result of:

(i) evidence of an existing violation of this article that relates to fire safety, the State Fire Prevention Code, or a local fire prevention code, if applicable; or

(ii) a general and neutral administrative plan to conduct fire prevention inspections;

(3) the owner, tenant, or other individual in charge of the property has denied access to the property, or after making a reasonable effort, the applicant has been unable to locate any of these individuals; and

(4) the inspection is sought for safety related purposes.

(d) (1) An administrative search warrant issued under this section shall specify the building or premises to be searched.

(2) The inspection conducted may not exceed the limits specified in the warrant.

(e) An administrative search warrant issued under this section shall be executed and returned to the judge who issued it within:

(1) the time specified in the warrant, not exceeding 30 days; or

(2) if no time period is specified in the warrant, 15 days after its issuance.

(f) Information obtained in accordance with an administrative search warrant under this section is confidential and may not be disclosed except:

(1) to the extent used in an administrative or judicial proceeding that arises out of a violation that relates to the purpose for which the warrant was issued and within the scope of the warrant; or

(2) to an owner or occupant of the building or premises.

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